

Docket No.: 52321-012

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Sing-Wang CHENG, et al.

Application No.: 09/373,605

Filed: August 13, 1999

For: HEAT TEMPERATURE RAISING SYSTEM

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Group Art Unit: 3743

Examiner: C. Atkinson

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RESPONSE TO COMMUNICATION DATED AUGUST 15, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Office communication dated August 15, 2001 wherein the Examiner holds that Applicant's communication filed July 27, 2001 was not responsive because (i) "Applicant failed to provide a listing of all claims readable thereon, including any claims subsequently added" and (ii) Applicant failed to "discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them."

In Applicant's response, elected claims 28-30, 36-39, 42 and 44-46 were deleted and new claims 53-63 were added. All of the new claims are believed to be readable on the elected species. For the Examiner's edification, the following table correlates the new claims to the cancelled claims:

Claim 53 is based on cancelled claim 28.

Claim 54 is based on cancelled claim 29.

Claim 55 is based on cancelled claim 30.

Claim 56 is based on cancelled claim 36.

Claim 57 is based on cancelled claim 37.

Claim 58 is based on cancelled claim 38.

Claim 59 is based on cancelled claim 39.

Claim 60 is based on cancelled claim 42.

Claim 61 further defines the heat temperature rising unit in claims 53-60 as having head conductive fins positioned in the tubes. See also Figs. 3B, 4B and 5B.

Claim 62 is based on claim 44. The apparatus defined by claim 44 was the heat temperature rising unit shown as element **20** in Figs. 6A and 6B.

Claim 63 is based on claim 45 and further defines the apparatus shown in Figs. 6A and 6B as described on page 7, lines 13-26 of the specification.

Claims 64 and 65 further define the apparatus of claim 63, namely, the heat temperature rising unit element shown as element **20** in Figs. 6A and 6B.

For the foregoing reasons, it is believed that claims 53-63 are readable on the species which were elected. The Examiner's reference to Paper No. 7 with respect to a requirement for listing all claims readable on the elected species, including any claims subsequently added, does not appear to be directed to any communication other than the response to Paper No. 7. The language in Paper No. 7 does not appear to direct Applicant to always list all claims readable on

the elected species in any response to a future Office Action. For this reason, a listing was not included in the response filed July 27, 2001.

As for a discussion of the references applied against the claims, the response which was filed on July 27, 2001 distinguishes the new claims over the Cheng reference. Specifically, Applicant believes that Cheng does not teach or suggest the heat temperature rising unit 20 which is now defined in the claims is not a feature which is disclosed or suggested by Cheng. As pointed out in our response, the heat temperature rising unit is a critical unit of the invention and performs a function that is not disclosed or suggested by the prior art. Cheng does not disclose transferring heat from a first heat carrying medium to a heat temperature rising medium contained within the heat temperature rising unit which is at a first pressure. The pressure of the unit is changed to a higher pressure resulting in a transfer of heat via the latent heat of fusion from the heat temperature rising medium under pressure in the riser unit such that the temperature of the heat temperature rising medium is increased and the heat is transferred to form a second heat carrying medium vapor which is then brought into contact with a heat sink. We believe that our argument clearly discussed the reference applied against the claims and explained how the claims avoid the teachings of Cheng.

For the foregoing reasons, it is believed that the response filed July 27, 2001 was responsive to the Office Action dated March 29, 2001.

For the foregoing reasons it is respectfully requested that the response be considered by the Examiner.

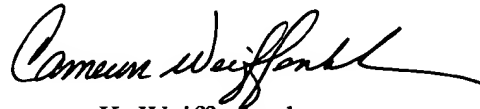
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

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extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT, WILL & EMERY

A handwritten signature in black ink, appearing to read "Cameron K. Weiffenbach", with a long, sweeping horizontal line extending to the right.

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